

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ZACKARY ELLIS SANDERS,

Defendant.

Case No. 1:20-cr-00143  
The Honorable Judge Ellis  
Next Hearing Date: Sept. 11, 2020

**CONSENT MOTION TO SEAL AND MEMORANDUM IN SUPPORT OF SAME**

Pursuant to Local Criminal Rule 49(E), defendant, Zackary Ellis Sanders, through counsel, moves for an order permitting the defense to file under seal portions of Mr. Sanders's Motions to Suppress and his Renewed Motion to Compel, as well as to seal the entirety of the exhibits. A proposed order is attached for the consideration of the Court.<sup>1</sup> In support of this motion, the defense further states:

**I. Item to be Filed Under Seal, and Necessity for Sealing**

A. Mr. Sanders asks the Court to seal portions of his Motions to Suppress and Renewed Motion to Compel, the entirety of the exhibits to the same, which pertain to and refer to material that is under a protective order. *See* 1:20-MJ-114 ECT No. 28. The defense has endeavored to

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<sup>1</sup> The documents to be filed under seal will be filed with the Court non-electronically pursuant to Local Criminal Rule 49(E) and the Electronic Case Filing Policies and Procedures (*see* p. 21). Pursuant to the Local Rules, the sealed documents are to be treated as sealed pending the outcome of this motion.

seal only the minimum necessary portions of its motions, and will file redacted versions on the public docket.

B. Filing the motions partially under seal is necessary because the motions contain discussion of material that is under a protective order. Filing the exhibits under seal is necessary because the exhibits either contain or refer to material that is under a protective order. *See* 1:20-MJ-114 ECT No. 28.

C. Counsel for Mr. Sanders has considered procedures other than filing under seal and none will suffice to protect disclosure of this information subject to a protective order.

## **II. Previous Court Decisions Which Concern Sealing Documents**

The Court has the inherent power to seal materials submitted to it. *See United States v. Wuagnewx*, 683 F.2d 1343, 1351 (11th Cir. 1982); *State of Arizona v. Maypenny*, 672 F.2d 761, 765 (9th Cir. 1982); *Times Mirror Company v. United States*, 873 F.2d 1210 (9th Cir. 1989); *see also Shea v. Gabriel*, 520 F.2d 879 (1st Cir. 1975); *United States v. Hubbard*, 650 F.2d 293 (D.C. Cir. 1980); *In re Braughton*, 520 F.2d 765, 766 (9th Cir. 1975). “The trial court has supervisory power over its own records and may, in its discretion, seal documents if the public’s right of access is outweighed by competing interests.” *In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984).

## **III. Period of Time to Have the Document Under Seal**

The materials to be filed under seal would need to remain sealed as long as the protective order remains in effect.

Accordingly, Mr. Sanders respectfully requests that this Court enter an order allowing the defense to file under seal portions of its Motions to Suppress and the Renewed Motion to Compel, as well as to seal the exhibits to the same.

Dated: September 2, 2020

Respectfully submitted,  
/s/ Jonathan S. Jeffress  
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*Attorneys for Defendant  
Zackary Ellis Sanders*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 2, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to counsel of record.

/s/ Jonathan Jeffress

Jonathan Jeffress

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**[PROPOSED] SEALING ORDER**

This matter having come before the Court on the defendant's Consent Motion for Leave to File Under Seal pursuant to Local Criminal Rule 49(E). Accordingly, for good cause shown, the Motion for Leave to File Under Seal is granted.

It is so ORDERED.

\_\_\_\_\_  
UNITED STATES DISTRICT COURT JUDGE

Date: \_\_\_\_\_

Alexandria, Virginia